

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

EVELYN SCOTT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 2:20-cv-596-ECM
	)	[WO]
STATE OF ALABAMA	)	
DEPARTMENT OF PUBLIC HEALTH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION and ORDER**

Pending before the Court is the Defendants’ Motion to Dismiss (doc. 6) filed on September 14, 2020.

The Plaintiff, Evelyn Scott, filed a complaint on August 14, 2020, alleging claims of race discrimination pursuant to 42 U.S.C. §§ 1981 and 1983, retaliation pursuant to 42 U.S.C. §§ 1981 and 1983, and discrimination in violation of the Fourteenth Amendment. The Plaintiff asserts these claims against the Defendants State of Alabama Department of Public Health (“the Department”) and Scott Harris in his individual and official capacities.

The Defendants seek to dismiss all of the Plaintiff’s claims. (Doc. 6). In response to the Defendants’ motion, the Plaintiff concedes that the claims against the Department and Harris in his official capacity are due to be dismissed without prejudice. (Doc. 12 at 1, n. 1). The Plaintiff also requests an opportunity to file an amended complaint. (Doc. 12 at 11). In their reply, the Defendants do not respond to the Plaintiff’s request to file an amended complaint. (Doc. 15).

Accordingly, upon consideration of the Plaintiff's concession, and for good cause,  
it is

ORDERED as follows:

1. The Motion to Dismiss (doc. 6) is GRANTED to the extent that the claims against  
the Department and Harris in his official capacity are dismissed without prejudice;

2. The Department is dismissed as a party in this case;

3. The Plaintiff has until **August 25, 2021** to file an amended complaint which is  
complete unto itself, which more specifically states the Plaintiff's remaining claims against  
Harris in his individual capacity, and which complies with Rules 8 and 10 of the *Federal  
Rules of Civil Procedure*.

4. The Motion to Dismiss (doc. 6) in all other regards is DENIED without prejudice.

Done this 18th day of August, 2021.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE